

Panaji, 11th February, 1993 (Magha 22, 1914)

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SERIES I No. 46

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

NOTE: There is one Extraordinary issue to the Official Gazette, Series I No. 45 dated 4-2-1993 with the same date from pages 381 to 382 regarding Notification from Law (Legal and Legislative Affairs) Department.

### GOVERNMENT OF GOA

Fisheries Department

#### Notification

2-4-81-FSH(Part)

Whereas certain draft rules, to amend the Goa, Daman and Diu Fisheries Rules, 1981, were, published as required by sub-section (6) of section 6 of the Indian Fisheries Act, 1897 (Central Act 4 of 1897) at pages 87 and 88 of the Extraordinary Official Gazette, Series I, No. 15, dated 9-7-1992 under Notification No. 2-4-81-FSH-(Part) dated 3-7-1992 of the Fisheries Department, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby till thirty days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 9-7-1992;

And whereas the objections and suggestions received from the public on the said draft rules have been considered by the Government;

Now, therefore, in exercise of the powers conferred by section 6 of the Indian Fisheries Act, 1897 (Central Act 4 of 1897), and all other powers enabling it in this behalf, the Government of Goa, hereby makes the following rules so as to amend the Goa, Daman and Diu Fisheries Rules, 1981, namely:—

1. *Short title and Commencement.*— (1) These rules may be called as the Goa Fisheries (Amendment) Rules, 1993.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— For clause (f) of rule 2 of the Goa, Daman and Diu Fisheries Rules, 1981 (hereinafter referred to as the "Principal Rules"), the following shall be substituted, namely:—

"(f) Inland waters means a creek, river upto the boundary where it meets the sea, canal, stream or any other water including stationary water collected in a paddy field or Khazan lands".

3. *Amendment of rule 6.*— In rule 6 of the Principal Rules,— (i) in sub-rule (i), for the words "Rupees three hundred" the words "Rupees seven hundred", shall be substituted;

(ii) for sub-rule (5), the following shall be substituted, namely:

"(5) Where the Director decides to grant permission, he will put the stake locality to public auction in accordance with the provisions of sub-rules (2) and (3) of rule 7 and the highest bidder shall be granted permission in Form 'C' on payment of a fee of Rs. 10/- (Rupees ten only)";

(iii) for sub-rule (6), the following shall be substituted, namely:—

"(6) In case the highest bidder is other than the one who had applied for grant of permission for erecting fishing stake, he shall give an undertaking to the Director to the effect that he shall erect the stake poles in accordance with the terms and conditions laid down by the Captain of Ports at the time of granting "No Objection" letter for erecting the stake poles and other such conditions if any, laid down by the Director or Captain of Ports from time to time";

(iv) sub-rule (7) shall be omitted.

4. *Amendment of rule 7.*— After sub-rule (20) of the principal Rules, the following shall be inserted, namely:—

"(21) The Director may cancel lease of any of the fishing stake localities in case of obstructions to the river traffic or other unforeseen circumstances warranting such cancellation".

5. *Amendment of rule 11.*— In rule 11 of the principal Rules,—

(i) for sub-rule (3), the following shall be substituted, namely:—

"(3) In the event of loss or destruction of a net already registered, the owner thereof or in the case of his death, his family member shall forthwith intimate to the Director of such loss or destruction. The Director after satisfying himself of the genuineness of the case and that all outstanding dues are cleared by the owner or his family member as the case may be, shall cancel the registration of such nets";

(ii) in sub-rule (10), for the words "inspection of the nets in case of new registration" the words

"receipt of necessary approved letter of the Director" shall be substituted.

6. *Amendment of Schedule.*—For Schedules I and II, the following shall be substituted, namely:—

#### SCHEDULE—I

Goa, Daman & Diu Fisheries Rules, 1981

##### Fee for net Registration:

1) To fish with a drag net/trawl net by motor driven vessel ... ..	Rs. 50-00
2) To fish with a drag/single rampon net	
a) upto 200 metres ... ..	Rs. 20-00
b) for every 100 metres exceeding 200 metres or fraction thereof ...	Rs. 10-00
3) To fish on the river Bank with barrier nets (Futaunim)	
a) Net upto 200 metres ... ..	Rs. 20-00
b) for every 100 metres exceeding 200 metres or fraction thereof ...	Rs. 10-00
4) To fish with gill nets (suspension nets) in sea or river ... ..	Rs. 20-00
5) To fish with a stake net ... ..	Rs. 5-00
6) To fish with sluice gate net ... ..	Rs. 10-00
7) To fish with cast net ... ..	Rs. 2-00
8) To fish with net not specified ... ..	Rs. 2-00
9) To fish with traps for catching fish, prawns, lobsters, crabs or any other molluses ... ..	Rs. 5-00
10) To fish with set of hooks ... ..	Rs. 5-00
11) To fish with a pur-seine net by motor driven vessel ... ..	Rs. 100-00

#### SCHEDULE—II

Goa, Daman and Diu Fisheries Rules, 1981

##### Fees for fishing Licence:

1) To fish with a drag/trawl net by a motor driven vessel	
a) Drag/trawl net operated by a motor driven vessel upto 3 cylinders ... ..	Rs. 100-00
b) Drag/trawl net operated by a motor driven vessel of 4 cylinders ... ..	Rs. 125-00
c) Drag/trawl net operated by a motor driven vessel of more than 4 cylinders ... ..	Rs. 150-00
2) To fish with drag/single/Rampon net	
a) upto 200 metres ... ..	Rs. 25-00
b) For every 100 metres exceeding 200 metres or fraction thereof ...	Rs. 15-00
3) To fish on the river bank with barrier net (Funtaunim)	
a) Net upto 200 metres ... ..	Rs. 40-00
b) For every 100 metres exceeding 200 metres or fraction thereof ...	Rs. 25-00
4) To fish with gill nets (suspension nets) in sea ... ..	Rs. 50-00
5) To fish with gill net (suspension nets) in the rivers ... ..	Rs. 30-00
6) To fish with a stake net ... ..	Rs. 15-00
7) To fish with sluice gate net ... ..	Rs. 20-00
8) To fish with a cast net ... ..	Rs. 5-00
9) To fish with nets not specified ... ..	Rs. 5-00
10) To fish with traps for catching fish, prawns, lobsters, crabs or any other molluses ... ..	Rs. 15-00

11) To fish with net of hooks ... ..	Rs. 15-00
	irrespective of No. of hooks
12) To fish with a pur-seine net by a motor driven vessel ... ..	Rs. 400-00

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Fisheries).

Panaji, 21st January, 1993.

#### Law (Legal and Legislative Affairs) Department

#### Notification

10-2-92/LA

The following Notifications issued by the Government of India/Ministry of Home Affairs, New Delhi, are hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 6th January, 1993.

#### MINISTRY OF HOME AFFAIRS

#### Notification

New Delhi, the 10th December, 1992

S. O. 898 (E).—Whereas Shri Sirajul Hasan, Amir of the Jamaat-e-Islami Hind (hereinafter referred to as JEIH) declared in a meeting at Delhi held on the 27th May, 1990 that the separation of Kashmir from India was inevitable;

And whereas Shri Abdul Aziz, Naib-Amir of JEIH, addressing a meeting at Malerkotla on the 1st August, 1991, observed that the Government of India should hold plebiscite on Kashmir;

And whereas JEIH has been disclaiming and questioning the sovereignty and territorial integrity of India;

And whereas for all or any of the grounds set out in the preceding paragraphs, as also on the basis of other facts, and materials in its possession which the Central Government considers to be against the public interest to disclose, the Central Government is of the opinion that the JEIH is an unlawful association;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the 'Jamaat-e-Islami Hind' to be an unlawful association, and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette.

[No. II/14034/2(i)/92-IS(DV)]

T. N. SRIVASTAVA, Jt. Secy.

## Notification

*New Delhi, the 10th December, 1992*

S. O. 899(E). — Whereas Shri I. C. S. Abdul Nazar Madani, Chairman of the Islamic Sewak Sangh (hereinafter referred to as ISS) had been giving inflammatory speeches with a view to promoting, on grounds of religion, disharmony or feelings of enmity, hatred or ill-will between different communities;

And whereas Shri I. C. S. Abdul Nazar Madani, in a public meeting at Poonthura, District Trivandrum on the 30th June, 1992, has stated that thousands of Muslims were killed and tortured in Kashmir and authorities were not taking effective steps and Muslim women were being raped by Hindus with the support of authorities;

And whereas Shri I. C. S. Abdul Nazar Madani, in a recorded speech for public circulation, has stated that a Muslim cannot live as a Muslim in this country and Muslim brothers should be prepared to get organised as also question the right of the people to hoist national flag in Kashmir;

And whereas the following criminal cases have been registered against Shri I. C. S. Abdul Nazar Madani u/s 153A and 153B of the Indian Penal Code (45 of 1860);

- (a) Karunagapally PS (District Kollam) Case No. 109/92 dated 20th March, 1992 u/s 153A;
- (b) Kundara PS (District Kollam) Case No. 117/92 dated 28th March, 1992 u/s 153A;
- (c) Kasba PS (District Calicut) Case No. 103/92 dated 21st May, 1992 u/s 153B;

And whereas the ISS has been encouraging and aiding its followers to undertake unlawful activities within the meaning of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967);

And whereas for all or any of the grounds set out in the preceding paragraphs, as also on the basis of other facts and materials in its possession which the Central Government considers to be against the public interest to disclose the Central Government is of the opinion that the ISS is an unlawful association;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the 'Islamic Sewak Sangh' to be an unlawful association, and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette.

[No. II/14034/2/(ii)/92-IS(DV)]

T. N. SRIVASTAVA, Jt. Secy.

## Notification

*New Delhi, the 10th December, 1992*

S.O. 900(E).—Whereas Shri Vishnu Hari Dalmia, President of the Vishwa Hindu Parishad, in a meeting held in Delhi on the 8th November, 1992, declared that the Ram Janma Bhoomi temple would be constructed in the same way it was demolished by Babar and that Kar Sewaks were pressurising the leadership that they should be called not to construct the Ram Janma Bhoomi temple but to demolish the Babri Masjid;

And whereas Shri Ashok Singhal, General Secretary of the Vishwa Hindu Parishad, in a public meeting in Bilaspur on the 14th November, 1992, stated that Muslims would be taught the language of force in case they would fail to understand the language of reasoning;

And whereas Smt. Vijaya Raje Scindia, Member of the Governing Council of the Vishwa Hindu Parishad, in a press conference in Patna on the 23rd November, 1992, stated that Kar Sewa would be carried out with full determination, defying all restrictions, if require including even the Court orders. She also averred that the construction of the Ram temple was a matter of faith and it could not be confined to the jurisdiction of the judiciary. She also added that the temple would be constructed at all costs and for which the so-called the Babri Mosque will have to be demolished;

And whereas Acharya Giriraj Kishore, Joint General Secretary of the Vishwa Hindu Parishad, in a press conference in Delhi on the 28th November, 1992, warned that in case legal battle and the politics came in the way of temple renovation at Ayodhya, direct action in respect of all other mosques which were built, after demolition of temple cannot be ruled out;

And whereas the Vishwa Hindu Parishad has been similarly encouraging and aiding its followers to promote or attempt to promote, on grounds of religion, disharmony or feeling of enmity, hatred or illwill between different communities;

And whereas the followers of the Vishwa Hindu Parishad had participated in the demolition of the structure commonly known as Ram Janam Bhoomi-Babri Masjid, situated in Ayodhya in the State of Uttar Pradesh, on the 6th December, 1992;

And whereas for all or any of the grounds set out in the preceding paragraphs, as also on the basis of other facts and materials in its possession which the Central Government considered to be against the public interest to disclose, the Central Government is of the opinion that the Vishwa Hindu Parishad is an unlawful association;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the "Vishwa Hindu Parishad" to be an unlawful association, and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be

made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette.

[No. II/14034/2(iii)/92-IS(DV)]  
T. N. SRIVASTAVA, Jt. Secy.

#### Notification

*New Delhi, the 10th December, 1992*

S. O. 901(E). — Whereas the Rashtriya Swayamsewak Sangh (hereinafter referred to as RSS) has been encouraging and aiding its followers to promote or attempt to promote, on grounds of religion, disharmony or feelings of enmity, hatred or ill-will between different religious communities;

And whereas the RSS has been making imputations and assertions that members of certain religious communities have alien religions and cannot, therefore, be considered nationals of India, thereby causing and likely to cause disharmony or feeling of enmity or hatred or ill-will between such members and other persons;

And whereas the RSS Swayamsewaks had participated in the demolition of the structure commonly known as Ram Janma Bhoomi-Babri Masjid, situated in Ayodhya in the State of Uttar Pradesh, on the 6th December, 1992;

And whereas for all or any of the grounds set out in the preceding paragraphs, as also on the basis of other facts and materials in its possession which the Central Government considers to be against the public interest to disclose, the Central Government is of the opinion that the Rashtriya Swayamsewak Sangh is an unlawful association;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the "Rashtriya Swayamsewak Sangh" to be an unlawful association, and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette.

[No. II/14034/2(iv)/92-IS(DV)]  
T. N. SRIVASTAVA, Jt. Secy.

#### Notification

*New Delhi, the 10th December, 1992*

S.O. 902(E). — Whereas the Bajrang Dal has been encouraging and aiding its followers to promote or attempt to promote on grounds of religion, disharmony or feelings of enmity, hatred or ill-will between different religious communities;

And whereas the Bajrang Dal has been organising exercises, drills or other similar activity intending that the participants in such activities shall use criminal force or violence or knowing it to be likely that the participants in such activities will use

criminal force or violence against other religious communities;

And whereas the members of the Bajrang Dal had participated in the demolition, of the structure commonly known as Ram Janma Bhoomi-Babri Masjid, situated in Ayodhya in the State of Uttar Pradesh, on the 6th December, 1992;

And whereas for all or any of the grounds set out in the preceding paragraphs, as also on the basis of other facts and materials in its possession which the Central Government considers to be against the public interest to disclose, the Central Government is of the opinion that the Bajrang Dal is an unlawful association;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the "Bajrang Dal" to be an unlawful association, and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section, that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette.

[No. II/14034/2(v)/92-IS(DV)]  
T. N. SRIVASTAVA, Jt. Secy.

#### Notification

*New Delhi, the 10th December, 1992*

S.O. 905(E). — In exercise of the powers conferred by section 17 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby authorises the Secretaries of the State Governments and Union Territory's Administrations in charge of the Home Department, to exercise the powers to sanction prosecution in respect of offences punishable under the said Act triable by a court in their respective States and Union Territories.

[F. No. II/14034/2(VI)/92-IS(DV)]  
T. N. SRIVASTAVA, Joint Secy.

#### Notification

*New Delhi, the 10th December, 1992*

S. O. 906(E). — In exercise of the powers conferred by section 19 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby directs that all the powers which are exercisable by it under sections 7 and 8 of the aforesaid Act shall be exercised by the State Governments and the Union Territory Administrations and the said Governments and Administrations may by order in writing direct that all such powers as have been directed to be exercisable by them shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised by the Commissioners of Police and the District Collectors/the Deputy Commissioners/the District Magistrates in the districts.

[F. No. II/14034/2(VII)/92-IS(DV)]  
T. N. SRIVASTAVA, Joint Secy.

## Notification

10-2-92/LA

The Constitution (Seventy-first Amendment) Act, 1992, which has been passed by Parliament and assented to by the President of India on 31-8-1992 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 1-9-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 4th December, 1992.

The Constitution (Seventy-First Amendment) Act, 1992

AN  
ACT

*further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Constitution (Seventy-first Amendment) Act, 1992.

2. *Amendment of Eighth Schedule.*— In the Eighth Schedule to the Constitution,—

(a) existing entry 7 shall be re-numbered as entry 88, and before entry 8 as so re-numbered, the entry “7. Konkani.” shall be inserted;

(b) existing entry 8 shall be re-numbered as entry 10, and before entry 10 as so re-numbered, the entry “9. Manipuri.” shall be inserted;

(c) existing entries 9 to 15 shall be re-numbered as entries 12 to 18 respectively, and before entry 12 as so re-numbered, the entry “11. Nepali.” shall be inserted.

## Notification

10-2-92/LA

The Wild Life (Protection) Amendment Ordinance, 1993 (No. 7 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary Part II, Section 1, dated 2-1-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 1st February, 1993.

## MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 2nd January, 1993

Pausa 12, 1914 (Saka)

The Wild Life (Protection) Amendment Ordinance, 1993

No. 7 of 1993

Promulgated by the President in the Forty-third Year of the Republic of India.

*An Ordinance further to amend the Wild Life (Protection) Act, 1972.*

Whereas the Wild Life Protection (Amendment) Ordinance 1992 to provide for the aforesaid matter was promulgated by the President on the 23rd day of October, 1992;

And whereas the Wild Life Protection (Amendment) Bill, 1992 was introduced in the House of the People to replace the said Ordinance, but has not been passed;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*— This Ordinance may be called the Wild Life (Protection) Amendment Ordinance, 1993.

(2) It shall be deemed to have come into force on the 4th day of August, 1992.

2. *Amendment of section 38H of Act 53 of 1972.*— In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), in the proviso to sub-section (1) of section 38H, for the words “six months from the date of such commencement” the words “eighteen months from the date of such commencement” shall be substituted.

3. *Repeal and saving.*— (1) The Wild Life (Protection) Amendment Ordinance, 1992 is hereby repealed. Ord.  
20 of 1992.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Ordinance.

SHANKER DAYAL SHARMA,  
President.

K. L. MOHANPURIA,  
Secy to the Govt. of India.